

September 4, 2002

Public Notice for 401 Certification
Brothers Property/Small Domestic Use Reservoir on
Unnamed Tributary of Franz Creek, WDID No. 1B02024WNSO
Sonoma County

On February 26, 2002, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. John Brothers requesting Federal Clean Water Act Section 401 Certification for the Brothers Property/Small Domestic Use Reservoir on an unnamed tributary of Franz Creek in Sonoma County. The proposed project causes disturbances to waters of the United States associated with an unnamed tributary of Franz Creek in the Geyserville Hydrologic Unit No.114.25.

The proposed project is located on the Markwest Springs Quad USGS Map, 38°34'24"N and 122°38'44"W, at 4225 Mountain Home Ranch Road, Calistoga, Sonoma County, California. The purpose of the project is to create a small reservoir to be used for domestic water uses.

The proposed project consists of the construction of an in-stream 0.36 surface acre pond in the headwaters of a small, unnamed tributary of Franz Creek, by excavating a depression and building a dam structure across the creek. The dam structure has been engineered by Mr. Drew Aspegren of Napa Valley Engineering.

A wetland assessment was completed by EnviroNet Consulting (EnviroNet) on August 5, 2000, to determine the extent of area at the above mentioned property that may be considered jurisdictional waters and/or wetlands under Section 404 of the Clean Water Act (CWA). The assessment utilized the standard Army Corps of Engineers (COE) wetland delineation procedures as described in the COE Wetlands Delineation Manual (Environmental Laboratory, 1987). According to a report prepared by EnviroNet on November 27, 2000 the site contained approximately 0.01374 acre of seasonal wetlands that could potentially be delineated at the site. The seasonal wetland habitat meets the vegetation, hydrology, and soil criteria to be considered a jurisdictional wetland under Section 404 of the CWA. The 0.01374 acre of wetland habitat present on the site will be permanently filled by the pond feature. New wetland habitat of equal size will establish along the periphery of the pond, and through consultation with EnviroNet, plantings of appropriate wetland plants will be performed by the project applicant to help establish appropriate hydrophytic vegetation.

Compensatory mitigation for this project will be attained through the establishment of wetland habitat along the periphery of the pond feature. The periphery of the pond will also be planted with appropriate wetland plants to increase hydrophytic vegetation establishment. Non-compensatory mitigation measures include the use of erosion control Best Management Practices (BMPs).

The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, is currently in the process of conducting CEQA review. The applicant has also applied to the COE for a Section 404 permit, which is pending at this time. The State Water Resources Control Board, Division of Water Rights, issued a small domestic water use registration Certificate (No. 622) on June 18, 2002. According to the applicant, the Department of Fish and Game determined that a Lake and Streambed Alteration Agreement would not be issued for the project.

The nearest receiving water is an unnamed tributary of Franz Creek located in the Geyserville Hydrologic Unit No. 114.25.

The project is scheduled to begin during the fall of 2002 and be complete prior to October 15, 2002. Staff is proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341). In addition, staff will consider all comments received during a 21-day comment period that begins on the first date of issuance of this letter. If you have any questions or comments, please contact staff member Andrew Jensen at (707) 576-2683, or at Jensa@rb1.swrcb.ca.gov, within 21 days of the posting of this notice.